

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE

SC13-1333

LAURA M. WATSON, NO. 12-613

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**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S RESPONSE  
TO JUDGE WATSON'S MOTION TO STRIKE THE JUDICIAL  
QUALIFICATIONS COMMISSION'S BRIEF FOR INCLUSION OF  
EXTRA-RECORD MATERIAL AND MOTION FOR SANCTIONS**

The Florida Judicial Qualifications Commission ("JQC"), by and through its undersigned counsel, hereby files its Response to Judge Watson's Motion to Strike the Judicial Qualifications Commission's Brief for Inclusion of Extra-Record Material and Motion for Sanctions (hereinafter "Motion to Strike").

**INTRODUCTION**

On July 24, 2013, the Investigative Panel of the JQC filed a Notice of Formal Charges ("Formal Charges") against Judge Watson based on unethical conduct stemming from the manner in which, as an attorney, she settled certain bad faith insurance litigation. In its Findings, Conclusions and Recommendations issued on April 15, 2014 ("Recommendation"), the Hearing Panel of the JQC found "the facts alleged in the Notice of Formal Charges were proven by clear and convincing evidence" and that attorney Watson violated several rules of professional conduct, including "commission of acts contrary to honesty or

justice;” “representing clients with directly adverse interests;” and “engaging in conduct involving deceit.”

One of the pervasive themes underlying Judge Watson’s defense to the Formal Charges is that neither the JQC nor The Florida Bar (the “Bar”) has jurisdiction to discipline her. On the one hand, she argues that the Bar lost jurisdiction over her because it never filed a formal disciplinary complaint before she was elected to the bench (a claim she makes despite the fact she requested, and the Bar agreed to, a deferral of disciplinary proceedings against her pending final appellate review of the Final Judgment in which the circuit court (Crow, J.) determined she had violated several rules of professional conduct). Concomitantly, she argues that the JQC never acquired jurisdiction over her because the JQC can only investigate matters occurring “within a reasonable time frame, but not to exceed two years, “and only if [those matters] are germane to an alleged act of misconduct occurring after the judge takes office.” *See* Judge Watson’s Amended Principal Brief at 102-03 (“hereinafter “Response”).

In its Reply Brief, the JQC pointed out that Judge Watson had previously sought a deferral of bar disciplinary proceedings against her pending the resolution of her appeal of the Final Judgment entered by Judge Crow. *See* JQC’s Reply Brief at 43-44. Judge Watson now contends that by making reference to her request for a deferral of the Bar’s disciplinary proceedings, the JQC “knowingly

and purposefully ignored the Court’s previous order striking TFB’s [The Florida Bar] extra-record evidence, and included extra-record evidence in its brief.” *See* Motion to Strike at 3. Judge Watson’s argument fails for two reasons.<sup>1</sup>

First, this Court has already addressed this precise issue and ruled against Judge Watson. Specifically, on May 5, 2014, Judge Watson filed an Objection and Response to Motion of The Florida Bar to Intervene and Motion to Strike Non-Record References in Both The Florida Bar’s Motion to Intervene and the Findings, Conclusions, and Recommendations of the Hearing Panel, Florida Judicial Qualifications Commission (hereinafter “Motion to Strike Non-Record References”) (emphasis added). In her Motion to Strike Non-Record References, Judge Watson argued, reminiscent of her argument now, that the so-called “non-record references” regarding the Bar’s disciplinary case should be stricken from both the Bar’s Motion to Intervene in this proceeding *and the Hearing Panel’s Recommendation*. *See* Motion to Strike Non-Record References at 43-44. The JQC responded to Judge Watson’s Motion to Strike Non-Record References on May 15, 2014. By Order dated May 21, 2014 (“Order”), this Court denied Judge

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<sup>1</sup> The irony in Judge Watson’s argument should not be lost on the Court. Although she argues vehemently that the JQC is attempting to cast her in a negative light by the inclusion of “extra-record” information in its Reply, she conveniently overlooks the several exhibits she includes in the Appendix to her Response that were never presented to the Hearing Panel. *See, e.g.*, exhibits 26, 29, 30, 30A, 30B, and 31 in the Appendix to her Response.

Watson's Motion to Strike Non-Record References in the Hearing Panel's Findings, Conclusions, and Recommendations.

Judge Watson's Motion to Strike is also misguided for the simple reason that the JQC's jurisdiction in this proceeding is not predicated upon on what The Florida Bar did or failed to do. As the JQC emphasized in its Reply, the JQC's jurisdiction in this proceeding stems from the Florida Constitution and is not constrained nor enlarged by the actions of The Florida Bar. *See* JQC's Reply Brief at 42-45. Despite the evidence that Judge Watson sought, and received, a deferral of prosecution from The Florida Bar, neither Judge Watson's request for a deferral, nor The Florida Bar's response thereto, is dispositive of any issue pertaining to the JQC's jurisdiction in this matter. Plainly stated, Judge Watson's election to the bench did not provide her an escape hatch from her unethical conduct; rather, it simply transferred jurisdiction for discipline from The Florida Bar to the JQC.

Lastly, Judge Watson also takes issue with four footnotes in the JQC's Reply. First, she claims that "Footnote one discusses a bankruptcy case that Judge Watson was not a party to and in which Judge Watson did not testify." *See* Motion to Strike at 4. Footnote one simply points that in addition to the Final Judgment entered by Crow, there have been collateral proceedings in which various courts have found the same facts as Judge Crow did in the Final Judgment. That fact is pointed out simply as additional background information and is not a ground upon

which to strike the JQC's Reply. Here, the Hearing panel expressly noted that it concurred in Judge Crow's findings and that its "factual findings are based on its *independent* review of the evidence . . . ."

Next, Judge Watson claims that "Footnote two is an attempt to defend the extra-record evidence in the JQC's Findings and Conclusions, also containing the extra-record evidence . . . ." *See* Motion to Strike at 4. It is unclear about which "extra-record" references Judge Watson complains; however, to the extent she is complaining that in the "Course of Proceedings" section of its Recommendation, the Hearing Panel referenced the Fourth District Court of Appeal's opinion affirming Judge Crow's Final Judgment, her argument is trivial and merits no response.

Judge Watson next complains that footnote three in the JQC's Reply contains "editorial background knowledge concerning Special Counsel McGrane's knowledge of certain proceedings . . . ." Footnote three of the JQC's Reply is in response to a false statement in Judge Watson's Response that Mr. McGrane has served as counsel to *both* the Investigative and Hearing Panels of the JQC in this matter. There was no evidence presented to the Hearing Panel that Mr. McGrane served as counsel to both the Investigative Panel and the Hearing Panel (not surprisingly sense the accusation is false). Judge Watson is not at liberty to make reckless arguments in her response to the Court's Order to Show Cause and then

expect the JQC to not respond to those arguments. Finally, Judge Watson attacks footnote four in the JQC's Reply on the basis that there was no evidence presented to the Hearing Panel that "the JQC has no control over the *Westlaw* publication of the current JQC rules and has nothing to do with its [sic] publication in the 2014 version of the Florida Rules of Court." See Motion to Strike at 5. Judge Watson did not present any evidence before the Hearing Panel that the JQC *does* control the publication of its rules by Thompson Reuters-*Westlaw*. Again, Judge Watson cannot make statements in her Response that the JQC somehow manipulated the publication of its operating rules without the JQC being permitted to respond to her conjectural arguments. In conclusion, none of the information set forth in footnotes 1 – 4 of the JQC's Reply justifies the striking of the JQC's Reply.

### **CONCLUSION**

For the reasons set forth above, the JQC respectfully prays that Judge Watson's Motion to strike be denied.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing  
**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S RESPONSE  
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